

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

KARL KNAPP,

Applicant,

vs.

Civil No. 07-834 MCA/RHS

JAMES JANECKA, et al.,

Respondents.

**ORDER ADOPTING FINDINGS, GRANTING MOTION TO DISMISS,
DENYING APPLICATION AND DISMISSING CIVIL PROCEEDING**

THIS MATTER comes before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition ("PFRD"), filed September 25, 2008 [**Doc. No. 24**]. Applicant has filed objections, and the Court has made a *de novo* determination of those portions of the PFRD objected to. Accordingly, the proposed findings of the Magistrate Judge will be adopted, Respondents' motion to dismiss will be granted, Applicant's application for a writ of habeas corpus will be denied and this civil proceeding will be dismissed with prejudice.

IT IS HEREBY ORDERED that the proposed findings of the United States Magistrate Judge [**Doc. No. 24**] are adopted by the Court.

IT IS FURTHER ORDERED that Respondents' Motion to Dismiss Petition [**Doc. No. 15**] is **GRANTED**.

IT IS FURTHER ORDERED that Applicant's Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 by a Person in State Custody [**Doc. No. 1**] is **DENIED**.

IT IS FINALLY ORDERED that this civil proceeding is **DISMISSED** with prejudice and any pending motions are **DENIED** as moot.

SO ORDERED this 12th day of December, 2008.

A handwritten signature in black ink, appearing to read "M. Christina Armijo", is written over a horizontal line.

M. CHRISTINA ARMIJO
United States District Judge